

Docket No.: 0020-4348P  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Eijiro WATANABE et al.

Appeal No.: 2007-4459

Application No.: 08/992,914

Confirmation No.: 4405

Filed: December 18, 1997

Art Unit: 1638

For: RAFFINOSE SYNTHASE GENES AND THEIR  
USE

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Examiner: D. H. Kruse

**SECOND (2<sup>ND</sup>) REQUEST FOR REFUND**

MS 16  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I. REFUND REQUEST

This is a request for a refund with respect to the above-identified

☒ application

☐ patent

☐ A copy of the monthly statement in which the error referred to occurs, accompanies this request.

## II. FEES PAID FOR WHICH REFUND REQUESTED

AMOUNT OF  
REFUND  
REQUESTED☐ filing fee \_\_\_\_\_☐ search fee \_\_\_\_\_☐ examination fee \_\_\_\_\_☐ surcharge for filing the basic filing  
on a date later than the filing date of  
the application (37 C.F.R. § 1.16(e)) \_\_\_\_\_

and/or

☐ surcharge for filing the oath or declaration  
on a date later than the filing date of the  
application (37 C.F.R. § 1.16(e)) \_\_\_\_\_☐ extension of term☐ first month \_\_\_\_\_☐ second month \_\_\_\_\_☐ third month \_\_\_\_\_☐ fourth month \_\_\_\_\_☐ excess claims \_\_\_\_\_☐ issue fee \_\_\_\_\_☐ petition fee \_\_\_\_\_

<input type="checkbox"/>	patent maintenance fee	_____
<input type="checkbox"/>	first maintenance fee	_____
<input type="checkbox"/>	second maintenance fee	_____
<input type="checkbox"/>	third maintenance fee	_____
<input type="checkbox"/>	patent maintenance fee surcharge	_____
<input checked="" type="checkbox"/>	Other: Request for Oral Hearing Fee	<u>1,000</u>
		_____
		_____

TOTAL REFUND REQUESTED	<u>\$1,000.00</u>
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### III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

On July 16, 2007, Applicants requested an Oral Hearing. Applicants have on August 13, 2007 filed a letter canceling said request. Therefore, since no Oral Hearing will take place, Applicants respectfully request that the USPTO refund the fee of \$1,000 which was submitted with the request filed on July 16, 2007. The Notice of Hearing, with Hearing attendance waived, was fax filed on January 30, 2008.


IV. MANNER OF REFUND

Please make refund by crediting Account No. 02-2448.

We respectfully request that the attached copy of this letter be returned to us with an indication that the credit has been processed.

Dated: February 14, 2008

Respectfully submitted,

By   
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